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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,763	12/12/2003	Kevin Neil Kim	MFCP.108795	8725
45809	7590	05/26/2005	EXAMINER	
SHOOK, HARDY & BACON L.L.P. 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/733,763	KIRN ET AL.
	Examiner X L Bautista	Art Unit 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 March 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/9/05</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Arguments*

- I. Applicant's arguments with respect to claims I-39 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

2. Claim I2 is objected to because of the following informalities: "...system according to claim I2" (line I) should be changed to --system according to claim I I--. Correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. I02 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 35I(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 2I(2) of such treaty in the English language.

4. Claims I-I0, I3-26 and 28-39 are rejected under 35 U.S.C. I02(e) as being anticipated by *Herf et al* (US 2005/0052685).

#### Claims I, I3, I8 and 28:

Herf discloses a method for sharing images over a network. A user having control selects an image for sharing and designates an image recipient (abstract; p. I, pg. 0006-0008, 001I-00I2; p. 2, pg. 00I6,

0018, 0025). Herf teaches that the sharing application automatically transfers the images, which are presented to the receiving user as specified by the sender (p. 3, pg. 0029). The sender user can specify the recipients who can access the images (p. 3, pg. 0035, 0039, 0042). The sending file sharing application automatically encrypts the images and associated chat text before transmitting them to the recipient to enhance security (p. 6, pg. 0063-0066, 0069). Herf teaches a messaging client and a dialog interface (p. 4, pg. 0039). Herf teaches that the sender and the receiver can share control of presentation of the shared media objects (p. 4, pg. 0043).

Claims 2, 19, and 33:

See claim 1. Herf teaches a network-enabled chat client (figs. 1 and 2D; p. 7, pg. 007I).

Claims 3, 20, and 34:

Herf teaches a mutually viewed message window presenting typed messages (fig. 2D)

Claims 4, 5, 17, 21, 22, 35 and 36:

Herf teaches shared media objects may be digital pictures (p. 1, pg. 0008), thumbnail images (p. 1, pg. 0012), photographs, images, data, etc. (p. 2, pg. 0025; p. 4, pg. 0037).

Claims 6, 23, and 37:

Herf teaches a user interface that enables a user to maintain control of the media viewer (p. 1, pg. 0006-0008, 0011-0012; p. 2, pg. 0016, 0018, 0025)

Claims 7, 24 and 32:

See claim 1. Herf teaches an interface that enables a sender user to control selection and transmission of media objects for mutual viewing by others (abstract; p. 1, pg. 0006-0008, 0011-0012; p. 2, pg. 0016, 0018, 0025; p. 3, pg. 0029, 0035, 0039, 0042; p. 4, pg. 0039; p. 6, pg. 0063-0066, 0069).

Claims 8, 25, and 38:

See claim I. Herf teaches a media viewer that is integrated with the messaging client (figs. I and 2D; p. 2, pg. 0016; p. 4, pg. 0043-0044).

Claims 9, 26, and 39:

Herf teaches that the sending terminal and the receiving terminal may be a (media viewer integrated with the messaging client) desktop computer or mobile devices such as PDAs and cellular phones (the media viewer is separate from the messaging client), (p. 4, pp. 0043-0044).

Claim 10:

Herf teaches media objects such as video and audio, (p. 6, pg. 0066; p. 8, pg. 0085).

Claims 14 and 29:

Herf teaches that users may independently select a shared media object to view in the media viewer (p. 4, pg. 0039).

Claims 15 and 30:

Herf teaches that users may select one or more users to share the media objects and prevent others from having access to it (p. 4, pg. 0035, 0042; p. 6, pg. 0064, 0069).

Claims 16 and 31:

Herf teaches that media objects can be loaded, downloaded, etc. (p. 4, pg. 0044).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 11, 12, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herf and Helmick et al (US 6,674,992 B2).**

Claims 11, 12, and 27:

Herf does not teach that an annotation object can be presented via the media viewer. However, Helmick discloses an on-line educational system including document sharing and electronic journal features. Helmick teaches that users can electronically share documents with other users and can also include a message along with the shared documents. Users can also enter information into an electronic journal and a notebook (abstract; col. I 7, lines 35-44). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to include Helmick's teaching of an annotation object in Herf's image sharing interface because it enables users to enter notes related to the shared image or document to share points of view or just to communicate relevant information.

*Conclusion*

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach user interfaces that enable two or more users to share objects. See Marcjan et al (abstract; p. I, pg. 0002-0007, 0015-0017; p. 2, 0018, 0021, 0022, 0024, 0025; p. 3, pg. 0029, 0037, 0047; p. 4, pg. 0050-0053; table 1A; p. 5, pg. 0057), and Arnold et al (abstract; p. 3, pg. 0045; p. 6, pg. 0106; p. 9, pg. 0141; p. 11, pg. 0180-0182).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

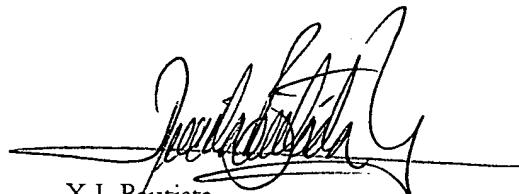
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday- Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Primary Examiner  
Art Unit 2179

xlb  
May 23, 2005